



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,816	09/05/2003	Kendall W. Prince	11640.4	7157
7590 08/31/2009				
KIRTON & McCONKIE 1800 Eagle Gate Tower 60 East South Temple Street P.O. Box 45120 Salt Lake City, UT 84145-0120				
EXAMINER				
A. PHU DIEU TRAN				
ART UNIT		PAPER NUMBER		
3633				
MAIL DATE		DELIVERY MODE		
08/31/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/655,816

Applicant(s)

PRINCE ET AL.

Examiner

PHI D. A

Art Unit

3633

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8, 10-13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the finished assembly with the parts clearly attached to each other (the locations of the window pane with respect to the covering, the substrate and other claimed structures) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 line 2 "second portion of said first face" is confusing. Should it be "second portion or said first face"?

Claim 8 last line "a third portion" is confusing. There is a need for a first and second portion of said flange before there can be a third portion.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 6, 8, 10-11, 13, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klimek (5515652).

Klimek (figure 2) shows an interior window covering frame assembly comprising a windowpane (24) generally positioned within an opening of a wall in a first plane, an elongate core substrate (30) having a thickness, said elongate core substrate having an lateral plate (the part to the right of 30) and a flange (see drawing) perpendicularly coupled to the lateral plate, the flange intersecting the elongate lateral plate to provide a first portion and a second portion to provide across sectional t-shape, the first and second portions are generally in the same plane, the

elongate lateral plate is directly coupled to an interior facing wall surface having a second plane that is substantially parallel to the first plane of the window pane, said elongate lateral plate being directly coupled to the interior facing wall in the second plane, the flange extending outwardly from the elongate lateral plate in a third plane that is substantially perpendicular to both the first and second plane, a connecting channel (the channel beginning with part 99 figure 7) directly coupled to at least said first portion of the lateral plate, a window covering (16) directly coupled to said first face of said flange, the window covering is capable of substantially covering the windowpane, a decorative covering (88) abutting a second portion of said lateral plate, the substrate comprising at least one material having an elastic modulus greater than 2.3E, the substrate is formed of reinforced plastic, the decorative covering comprising plastic, the decorative covering coupled to said elongate core substrate.

Klimek does not show the core substrate having a thickness of less than 5/16 inch.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Klimek's core substrate to show the core substrate having a thickness of less than 5/16 inch because it would have been an obvious matter of engineering design choice to have the thickness being 5/16 inch as long as the thickness is able to help support and mount the window panes to the building opening.

5. Claims 1-4, 6-8, 10-13, 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gill (1202990).

Gill (figure 5) shows an interior window covering frame assembly comprising a windowpane (figure 5, to the left of 21) generally positioned within an opening of a wall in a first plane, an elongate core substrate (23, 19, 13, 20) having a thickness, said elongate core

substrate having an lateral plate (23) and a flange (19 and its connecting legs) perpendicularly coupled to the lateral plate, the flange intersecting the elongate lateral plate to provide a first portion and a second portion to provide across sectional t-shape, the first and second portions are generally in the same plane, the elongate lateral plate is directly coupled to an interior facing wall surface having a second plane that is substantially parallel to the first plane of the window pane, said elongate lateral plate being directly coupled to the interior facing wall in the second plane, the flange extending outwardly from the elongate lateral plate in a third plane that is substantially perpendicular to both the first and second plane, a connecting channel (figure 5, the opening to the left of 19) directly coupled to at least said first portion of the lateral plate, a window covering (figure 5, the screen at top and its supporting frames) directly coupled to said first face of said flange, the window covering is capable of substantially covering the windowpane, a decorative covering (24) abutting a second portion of said lateral plate, the decorative covering directly coupled to the elongate core substrate, the substrate comprising at least one material having an elastic modulus greater than $2.3E$, the substrate is formed of metal, a hinge coupled to the second portion or the first face of the flange, the decorative covering comprising wood, the window covering comprising a shutter (screen), the decorative covering coupled to said elongate core substrate, a connecting channel forming a portion of the elongate core substrate, directly coupling the hinge of the interior window covering to the flange.

Gill does not show the core substrate having a thickness of less than $5/16$ inch.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Gill's core substrate to show the core substrate having a thickness of less than $5/16$ inch because it would have been an obvious matter of engineering design choice to

have the thickness being 5/16 inch as long as the thickness is able to help support and mount the window covering to the building opening.

With respect to claim 18, Gill as modified shows all the claimed structural limitations. The claimed method steps would have been the obvious method steps of constructing modified Gill's window structures.

Response to Arguments

15. Applicant's arguments with respect to claims 1-4, 6-8, 10-13, 15-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different window covering designs.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phi D A/
Primary Examiner, Art Unit 3633

Phi Dieu Tran A

28/08/098/27/09